United Nations A/HRC/WG.6/28/UKR/1

General Assembly

Distr.: General
31 August 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-eighth session
6–17 November 2017

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Ukraine

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GE.17-15166(E)

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I. Methodology used and preparation process

1. This report has been prepared for the purpose of the third Universal Periodic Review (UPR) of human rights in Ukraine. Under the General Guidelines laid down by the HRC in its decision 17/119, it focuses on human rights developments in Ukraine since the last review and on the progress of the implementation of the recommendations received during the second UPR in 2012.

2. The Report was prepared by the Ministry of Justice of Ukraine (MoJ) with the involvement of all relevant ministries, agencies and institutions in Ukraine. The Draft Report was published on the website of the MoJ on the page devoted to the UPR. In addition to the inter-ministerial consultations, extensive consultations with international and national non-governmental organizations were held in the process of drafting the Report. Recommendations and suggestions received were carefully assessed and discussed before compiling the final version of the Report.

II. Key achievements since the previous review

A. Legislative improvements and institutional changes

3. Amendments to the Constitution of Ukraine adopted in June 2016 initiated a comprehensive judicial reform process. This simplified the court system, removed political influence over the appointment and dismissal of judges and introduced a transparent procedure for the selection of judges with the participation of civil society.

4. The Law on Principles of Prevention and Combating Discrimination in Ukraine was significantly amended in 2014 to bring it in line with international standards. Concepts of direct and indirect discrimination were clearly defined. The Ukrainian Parliament Commissioner for Human Rights (Ombudsman) was given additional powers of control in the field of protection against discrimination.

5. The National Preventive Mechanism to prevent torture and ill-treatment (NPM) was established in 2012 and functions under the auspices of the Ombudsman. Monitors of the NPM continuously visit places of detention. Recently, journalists started participating in the monitoring visits.

6. The Ministry of Temporarily Occupied Territories and IDPs (MTOT) was established in 2016. MTOT is coordinating the Government's policy towards reintegration and peace-building in the TOT and Donbas, protection of the IDPs and implementation of IHL in Ukraine.

7. The President appointed the Commissioner for the Rights of Persons with Disabilities, who monitors the situation and submits proposals to the President concerning the special needs of people with disabilities. His role was paramount in the adoption of the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities for the period up to 2020.

8. In 2017, the Government established the Office of the Commissioner for Gender Equality, who will ensure that men and women in Ukraine have equal rights and opportunities.

9. The President appointed the Commissioner for the Crimean Tatar Issues. He was instrumental in preparing a draft law recognizing the Crimean Tatars as an indigenous people of Ukraine and protecting their ethnic, cultural, linguistic and religious identity. He

is currently involved in the work of the Constitutional Commission working on the new constitutional status of Crimea.

10. The National Police was re-established in 2015 based on the new principles of accountability, transparency, professionalism and respect for human rights.

11. Crimes committed by public officials, judges and law enforcement officers will be investigated by the State Bureau of Investigation of Ukraine (SBI) which is currently in the process of being established.

12. In 2015, the National Anti Corruption Bureau (NABU) and the Specialised Anti-Corruption Prosecutor's Office were established. They concentrate on the investigation and prosecution of high-level corruption in the Government, Parliament and the courts.

13. The National Agency for the Prevention of Corruption (NAPC) was established in 2016. It oversees the e-register of declarations of public officials. More than one million public officials submitted their asset and income declarations online, which are publicly accessible on a web-site. Failure to declare or submitting false declarations may result in dismissal and criminal investigations.

B. Human rights policy

14. Ukraine remains committed to the 2030 Agenda for Sustainable Development and the SDGs. In 2016 the National Baseline Report was approved, which adapted the 17 global SDGs to the national development context. It is recommended to all State authorities to take into account the Report during elaboration of strategic and programme documents. The National Report sets concrete benchmarks for each of the SDGs to be achieved by 2030.

15. In 2015, the President of Ukraine approved the National Strategy of Human Rights (NSHR) for the period of 2015–2020. It addresses systemic problems traditionally present in Ukrainian society, as well as new challenges posed by the illegal occupation of Crimea and Russian military aggression against Ukraine in Donbas.

16. With the view to implement the NSHR, the Government approved an Action Plan, which contains clear measures, indicators and deadlines. The preparation of the Action Plan had an inclusive character and was carried out with the involvement of civil society, international organizations, the Ombudsman and international experts in the field of human rights.

17. MoJ reports quarterly on the implementation of the Action Plan and holds annual public hearings in December. All the activities under the Action Plan are made public on the MoJ's website.

C. Ratification of international treaties (97.1–97.15)

18. Since the last review, Ukraine has ratified, inter alia, the following international treaties:

- Convention on the Reduction of Statelessness;
- Convention relating to the Status of Stateless Persons;
- Convention on the International Recovery of Child Support and Other Forms of Family Maintenance;
- Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention);

- International Convention for the Protection of All Persons from Enforced Disappearance;
- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure;
- ILO Convention No. 155;
- ILO Convention No. 117;
- ILO Convention No. 102;
- CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- European Agreement on the Transmission of Applications for Legal Aid;
- Third and Fourth Additional Protocols to the CoE Convention on Extradition.

III. Human rights in the temporarily occupied territories and IDPs

19. On 20 February 2014, Russia launched an illegal operation that led to the occupation of Crimea. Ukrainian legitimate authorities were disbanded and an occupation regime was established. Notwithstanding, the sovereignty and territorial integrity of Ukraine within its internationally recognized borders was confirmed by UN GA Resolution 68/262 on Territorial Integrity of Ukraine on 27 March 2014.

20. In the spring of 2014, Russia started military aggression against Ukraine in the eastern part of the country. The Russian military and Russian-backed terrorists effectively occupied a part of Donetsk and Luhansk regions (Donbas)[1]. As a result, Ukraine lost full and effective control over parts of this region. In this ongoing aggression at least 10,000 people have been killed and more than 23,000 injured.

21. On 17 July 2014, Malaysian Airlines Boeing flight MH17 was shot down over Grabove in Donetsk Region. All 298 people aboard were killed. The Joint Investigation Team found in its preliminary report that MH17 was downed by a BUK missile from the 9M38-series brought in from Russia[2]. It was fired from Pervomaiskyi, near Snizhne, in territory held by the Russian-backed separatists. After having shot down MH17 the missile launcher was taken back to Russia.

22. The United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) has been working in Ukraine since 15 March 2014 at the invitation of the Government. The HRMMU has no access to Crimea and only a limited access to the occupied parts of Donbas. To date, the HRMMU has presented 18 quarterly reports on the human rights situation in Ukraine and two thematic reports: Accountability for killings in Ukraine from January 2014 to May 2016 and Conflict-related Sexual Violence in Ukraine (14 March 2014 – 31 January 2017).

23. On 21 March 2014, following a request by the Government, the OSCE deployed a Special Monitoring Mission (SMM) to Ukraine. The SMM is an unarmed, civilian mission present on all of the territory of Ukraine. The SMM has no access to the occupied Crimea and only a restricted access to the occupied part of Donbas. The SMM observes the implementation of the ceasefire agreement under the Minsk II Protocol and presents daily reports on the security situation, as well as thematic human rights reports.

24. On 19 December 2016, the UN GA adopted Resolution 71/205 on the Situation of Human Rights in the Autonomous Republic of Crimea and the city of Sevastopol

(Ukraine), noting a sharp deterioration of the overall humanitarian situation in the occupied Crimea. The GA condemned the abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, by the Russian occupying authorities, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups. The GA urged Russia to immediately release the unlawfully detained Ukrainian citizens, to stop impunity, hold those responsible for abuses to account and revoke immediately the decision declaring the Mejlis of the Crimean Tatar people as an extremist organization.

25. Ukraine instituted the first of its five inter-State cases against Russia in the ECtHR concerning events in Crimea on 13 March 2014. Following the request of Ukraine, the ECtHR adopted interim measures, calling upon Russia and Ukraine to refrain from taking any measures, in particular military action, which might bring about violations of the rights of the civilian population enshrined in the ECHR, notably under Articles 2 and 3. Russia failed to adhere to these interim measures and proceeded with the military occupation of Crimea using its regular armed forces, which was post factum confirmed by President Putin[3]. Other cases concern violation of human rights in Donbas, further developments in Crimea, in particular the ban of Mejlis, the single representative body of Crimean Tatars. Currently, these cases are pending before the ECtHR at the admissibility stage.

26. On 16 January 2017, Ukraine filed a case against Russia with the ICJ for committing acts related to the financing of terrorism and racial discrimination in Ukraine in violation of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. On 19 April 2017, the ICJ issued an order on the application of temporary measures. Inter alia, the ICJ ordered Russia to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to maintain its representative institutions including the Mejlis and to ensure the availability of education in Ukrainian language in Crimea. Russia has not shown any progress in the implementation of this order.

27. On 21 May 2015, the Parliament adopted a Statement on Derogation from Certain Obligations under the ICCPR and ECHR. Ukraine informed the UN SG that Russia as an occupying power is fully responsible for the protection of human rights in the occupied Crimea and certain areas of Donbas. Furthermore, Ukraine declared its derogation from certain human rights obligations under the ICCPR and ECHR until the cessation of Russian aggression and restoration of the constitutional order.

28. Ukraine derogated from its obligations under paragraph 3 Art. 2 (right to an effective remedy), Art. 9 (right to liberty and security of person), Art. 12 (right to freedom of movement and free choice of place of residence), Art. 14 (right to fair trial) and Art. 17 (right to protection against arbitrary or unlawful interference with private and family life) of the ICCPR.

29. In order to periodically review the territorial application of the derogation, the Government established a Coordinating Commission. Its mandate includes the review of the necessity and proportionality of the derogation measures and making proposals to the Government on the continuation and scope of the derogation.

30. Ukraine is committed to the observation of IHL on all of its territory. A manual on the implementation of the rules of IHL for the armed forces has recently been updated to better reflect provisions of customary IHL. The MTOT is responsible for organization and coordination work of the Government Commission on implementation of IHL, ensuring that all the law-enforcement agencies consistently follow and observe the rules of IHL. The Ministry of Defense continuously conducts trainings in IHL for military personnel, with the assistance of the ICRC.

31. The security situation in Donbas and near the contact line remains volatile. The ceasefire under the Minsk Agreement is inefficient and civilian casualties persist. Landmines and UXOs (Unexploded Ordnances) around the populated areas and main roads in Donbas continue to account for the death and mutilation of civilians.

32. Russia carries out the systemic practice of illegal persecution, groundless convictions and the transfer of people from the occupied Crimea to Russian territory. Furthermore, HRMMU recorded forcible transfers of Ukrainian detainees to prisons and pre-trial detention facilities in Russia, which constitutes a violation of IHL. As of July 2017, at least 46 Ukrainians are held as political prisoners in Russia.

33. Ukraine is committed to fighting impunity for crimes committed in the TOT and Donbas. The Government prepared a draft law introducing crimes against humanity in the CC. Definitions of other international crimes, including torture, are being brought in line with the international obligations of Ukraine.

34. Military prosecutors are investigating crimes committed in the TOT and Donbas as well as crimes committed by the Ukrainian army and volunteer battalions.

35. Armed groups have committed mass-scale and systematic violations of IHL, which resulted in over 3000 people illegally held in captivity experiencing torture and inhuman treatment. Investigations have identified over 100 places of illegal detention established by armed groups where Ukrainian military officials, journalists and volunteers were held. Currently, public prosecutors have filed charges against 7 terrorists belonging to armed groups for committing violations of the laws of war under Art. 438 of the CC.

36. In 2014–2017, 180 criminal cases against members of the Ukrainian military were investigated, including those committed by Tornado and Aidar detachments. On 7 April 2017, two commanders and 10 officers of the Tornado police detachment were sentenced for committing severe crimes of torture, sexual violence and kidnapping in the period of December 2014 to June 2015. Four officers of the Aidar military detachment were sentenced for committing banditry, robbery and car theft.

37. The search and identification of missing persons is coordinated by the United Center at the Security Service of Ukraine, which includes all of the law-enforcement agencies of Ukraine. A draft Law on Missing Persons is being considered by the Parliament.

38. Approximately 19,200 Ukrainian convicts were held in the territories not under control of Government since 2014. As a result of efforts of the Ombudsman, 373 prisoners have been transferred to the Ukrainian authorities, however this represents only a small part of those willing to be transferred.

39. Ukraine remains committed to its positive obligations to ensure to the fullest extent possible the preservation of human rights of people living in the TOT and Donbas. These obligations include legal and diplomatic measures on reintegration and peace-building process.

Internally Displaced Persons (IDPs)

40. As a result of Russian aggression, Ukraine has faced a humanitarian crisis, which resulted in more than 1.5 million IDPs[4]. In the beginning of the conflict Ukraine lacked experience, means and a legislative framework to deal with the mass influx of people from the TOT and Donbas. Short-term housing and emergency help was provided to people fleeing persecution and war.

41. On 20 October 2014, Ukraine adopted a law regulating the status, rights and social protection of IDPs. In 2015, Ukraine approved the Comprehensive State Programme for

Support, Social Adaptation and Reintegration of IDPs. However, this Programme still needs more funding.

42. Ukraine simplified procedures for obtaining birth, marriage and death certificates, as well as other official documents for people living in the TOT and Donbas. Social services and benefits were modified to accommodate the specific situation of IDPs.

43. However, the payment of social benefits to people residing in the TOT and Donbas remains a major challenge. The Government is constantly working to improve the mechanisms for verification and identification documents to receive social benefits. A draft Law on Amending certain legislative acts concerning the right for pension by specific categories of citizens is currently under consideration in the Parliament. Adoption of this draft law shall allow the payment of pensions to Ukrainian citizens who live in occupied territories.

44. On 1 October 2014, the Government adopted legislation providing for monthly targeted aid to IDPs to cover their expenses on accommodation including housing and utility services[5]. In 2017, the Government started co-financing a programme on affordable housing for IDPs. State-sponsored low-interest loans are available for the purchase of approved real estate for IDPs.

45. In order to facilitate the integration of IDPs in their new places of residence, the Government employment assistance centers provide advice and job placement for IDPs, as well as professional training courses, temporary job placements and career advice[6]. In 2016, the IDPs were included as a specific category entitled to free secondary legal aid.

46. Social Services Centers around the country provide IDPs with psychological assistance, housing, humanitarian aid and support in issuing and reissuing of documents. As of mid-2017, 17,849 internally displaced families, including 17,382 with children, received different kinds of social services as per their assessed needs. According to a recent study, 88% of IDPs have successfully integrated in their new places of residence[7].

47. To facilitate access to Ukrainian secondary and tertiary educational institutions for the people living in the TOT and Donbas, special procedures and quotas have been introduced. Special exam sessions and distance learning programmes have helped them to follow the Ukrainian curriculum and to continue their education at the universities throughout the controlled territory of Ukraine.

48. A draft law for ensuring the full-scale realization of IDPs' electoral rights was developed and is currently at the stage of consideration by parliamentary committees.

49. Ukraine has received major technical and humanitarian assistance from international organizations and individual States to deal with the humanitarian crisis caused by Russian aggression. However, much remains to be done to improve conditions in the TOT and Donbas and the situation of IDPs. Among the most pressing problems are water and electricity supply in Donbas, repair of damaged infrastructure, provision of housing for IDPs and programmes for social and psychological reintegration.

IV. Implementation of recommendations

A. Rule of law

1. Judicial system (97.88–97.93, 97.95, 97.106, 97.109, 97.113, 97.114)

50. In 2015, the Justice Sector Reform Strategy for 2015-2020 was adopted. The Action Plan of the Justice Sector Reform Strategy defines key objectives, activities, expected

outputs and indicators for the implementation of justice sector reform. Its objective is to improve access to justice for Ukrainians by strengthening the independence and expertise of the judiciary, eliminating corruption, and simplifying the judicial system and court procedures.

51. Following the Strategy, in 2016, the Parliament adopted amendments to the Constitution of Ukraine concerning the judiciary and amended the Law on Judiciary and the Status of Judges. These amendments received a positive appraisal by the Venice Commission[8]. These amendments strengthened the independence of judiciary, in particular through the elimination of political influence on the process of establishing courts and determining the number of judges. The court system was simplified to a three-tier structure (first instance, appeal, Supreme Court).

52. The newly-adopted legislation mandates an objective and non-discriminative re-evaluation of judges, with a particular emphasis on an anti-corruption screening of income and assets. Appointments to the new judicial system are made after a transparent and objective selection process administered by an independent commission (HQCJ), established in accordance with the CoE standards for judicial self-governance. Positions in the courts have been opened to lawyers from outside of the judiciary.

53. The constitutional and legislative amendments established the new Supreme Court. The selection of judges of the Supreme Court was at the final stage at the time of finalizing this Report. It was carried out through a transparent process, which consisted of compulsory qualification evaluation, anonymous competence testing and publicly televised interviews. Civil society directly participated in the selection process through the Public Integrity Council, which could issue a negative opinion on candidates. Such a negative opinion had to be overturned by a qualified majority of the members of the HQCJ.

54. Following the introduction of the stringent anti-corruption legislation and public procedure on the evaluation of judges, more than 1,680 judges have voluntarily left their positions. HQCJ published 600 judicial vacancies in the first instance courts open to all qualified candidates. More than 3,500 applications were received, indicating a great interest of the legal community to enter the judicial profession under the new transparent procedure.

55. The enforcement of court decisions has traditionally been at a low level in Ukraine. MoJ led the process for the introduction of a new profession of private enforcement officer and reformed the procedures and compensation regulations for public enforcement officers. These measures should guarantee an improvement in the overall level of enforcement of court decisions.

2. Ratification of the Rome Statute of the ICC (97.1, 97.6–97.10, 97.13–97.15)

56. Amendments to Article 124 of the Constitution of Ukraine allowed for the possibility to ratify the Rome Statute within three years. Ukraine is currently preparing amendments to its CPC to regulate the unimpeded and full cooperation with the ICC.

57. Ukraine made two declarations under Art. 12(3) of the Rome Statute accepting ICC jurisdiction with respect to crimes allegedly committed on its territory for the period of 21 November 2013 to 22 February 2014, and since 21 February 2014 onwards respectively. Declarations cover the whole territory of Ukraine within its internationally recognized borders. The OTP of the ICC opened a preliminary investigation on the situation in Ukraine on 25 April 2014. Ukrainian authorities are cooperating with the OTP and regularly update its representatives on the situation in Ukraine.

3. Execution of the judgments of the ECtHR (97.17, 97.24, 97.45)

58. Ukraine attaches great importance to the jurisprudence of the ECtHR, which formulates and clarifies the European standards in the area of human rights. Currently, Ukraine has the highest number of the pending cases in the ECtHR as of 30 June 2017 (18,700 or 23.3%)[9]. This is partly due to the influx of thousands of new cases resulting from the mass-scale human rights violations by Russian authorities in Crimea and Donbas. However, a significant number of other applications point to systemic problems in Ukraine, which the Government is committed to solving.

59. One of the biggest problems established in ECtHR's judgments is a prolonged non-execution of judgments in national courts, as established in the pilot case Ivanov vs. Ukraine. The Government continues to work with a three-stage strategy to find a long-term solution to this problem, as recommended by the Committee of Ministers of CoE. At the first stage the Government calculated the total amount of outstanding payments adjudicated by the ECtHR. Currently, the MoJ is developing a procedure for the restructuring of the outstanding claims. At the third stage the Government will have to allocate sufficient funds to cover the restructuring programme. Currently, the Government has allocated 500 million UAH for compensations in the 2017 budget.

60. MoJ gives legal opinions on all draft laws concerning their correspondence to the ECHR and ECtHR jurisprudence to prevent possible violations in the future. For instance, draft Law No. 8711 received a negative opinion by the MoJ and was accordingly not adopted (recommendation 97.24).

4. Prosecution authorities (97.89, 97.91, 97.94, 97.95, 97.97)

61. On 14 October 2014 the new Law on the PGO was adopted. This brought Ukraine up to the international standards in terms of the structure and functions of the Prosecutor General's Office[10]. Prosecutors will have three main functions: public prosecution in criminal cases; representing State interests in civil and commercial cases; and supervising investigations by law enforcement bodies. Prosecutors will continue investigating crimes committed by officials of law enforcement agencies until the full functioning of the SBI.

62. In June 2016, the General Inspection within the structure of the PGO was established. Its main purpose is to investigate criminal offences committed by prosecutors.

63. In April 2017, the Conference of Prosecutors elected members of the Council of Prosecutors and the Qualification and Disciplinary Commission for the first time. The Commission is a self-governing and regulatory body deciding on the employment, career progress and dismissal from office of public prosecutors.

5. Criminal justice (97.21, 97.94-97.96)

64. In 2012, Ukraine adopted a new CPC, which updated procedural rules for detention, investigations and criminal trials. The CPC takes into account European standards in the sphere of criminal justice and relevant jurisprudence of the ECtHR. In particular, the CPC extends judicial control at the pre-trial stage, limits the use of pre-trial detention and extends the list of alternative preventive measures (bail, house arrest, custody etc.). This includes shortening the length of judicial proceedings and the introduction of specific criminal proceedings in respect of juveniles.

65. The prosecution for criminal offences committed during the peaceful protests on Maidan Nezalezhnosti in Kyiv and other Ukrainian cities from November 2013 to February 2014 is ongoing. Charges have been raised against 369 public officials, including former President Viktor Yanukovych and former Minister of Interior Vitaliy Zakharchenko. At the present time, 37 officials have been convicted. The prosecution of the remaining

perpetrators is complicated due to the fact that many of them, including Viktor Yanukovych, have fled to Russia or Crimea to escape justice. Russia has granted its citizenship to some of them and has refused to extradite others.

66. The National Police investigated the death of 48 people during the mass protests on May 2, 2014 in Odessa and the fire in the House of Trade Unions. Crimial cases against 29 alleged perpetrators are heard in the courts.

6. Free Legal Aid (FLA)

67. In 2013, Ukraine established 27 regional centers of FLA, which provide assistance in criminal cases. In 2015, the Government opened 528 local centers and bureaus, which provide secondary legal aid in administrative and civil cases. This network effectively covers the whole country, meaning that no-one who needs a lawyer and cannot afford one is left behind. From 2015 to 2017, Ukraine expanded the list of those who are entitled to FLA to include IDPs, women who suffered domestic violence, veterans and asylum seekers.

68. As of 2017, more than 547,000 people have received consultations through the FLA system and in 402,534 cases free secondary legal aid was provided[11].

7. Juvenile justice (97.79, 97.115, 97.116)

69. In 2015, the Law on Probation was adopted, which included provisions on juvenile probation. As of 2017, Juvenile Probation Centers were established in 14 cities across Ukraine. They provide psychological, social, legal and medical services.

70. The Government established the Coordinating Council on Juvenile Justice as an inter-institutional platform for the development of juvenile justice, which corresponds to the child's interests. One of the key tasks of the Council is the introduction of the program of juvenile reconciliation including mediation.

71. Through the wider application of preventive measures and alternatives to custody, particularly house arrest or placement of a child under parents' supervision, the number of juveniles held in places of preliminary detention declined significantly in the period of 2014-2016. In pre-trial detention centers the number decreased from 322 to 156 persons, and in temporary holding facilities (THF) from 1,552 to 809 persons.

72. The number of juveniles serving their criminal sentences in penitentiary institutions is also declining. The number decreased from 348 in 2015 to 304 in 2016, and further to 294 in 2017.

8. Lawyers' self-governance (97.112)

73. In 2012, the Law Regulating the Profession of Advocates was adopted, which ensures the independence of the bar and the quality of legal services. The National Association of Advocates of Ukraine is a self-government body established by law, which regulates the professional activities of advocates.

B. Torture and ill-treatment prevention

1. National Preventive Mechanism (97.32, 97.33, 97.34, 97.35, 97.37)

74. An effective NPM was established in 2012 using the model "Ombudsman-Plus". Accordingly, the Office of the Ombudsman provides technical and organizational support to the independent monitors, proposed and trained by the National Expert Council.

75. The NPM carries out monitoring visits (scheduled and unscheduled) to the places of deprivation of liberty. Scheduled visits are conducted according to an annual plan. Unscheduled visits are carried out to verify specific information about possible violations of human rights, particularly allegations of torture and ill-treatment. The NPM analyzes the compliance with human rights in the places of deprivation of liberty and submits its reports to the Ombudsman for consideration.

76. In the period of 2012–2016 the NPM conducted 1,357 monitoring visits which covered more than 812 places of deprivation of liberty. Particularly, 284 visits (including 50 return visits) were conducted in 2016, confirming 19 incidents of torture.

2. Prevention of torture (97.36, 97.75, 97.98–97.104, 97.108, 97.110, 97.135)

77. Ukraine has recently formally established an independent SBI to investigate crimes committed by high-ranking officials, judges, prosecutors and law-enforcement officers. In particular, the SBI will be investigating allegations of torture and ill-treatment by police officers and other law-enforcement agencies. The open selection process for the Head of the SBI is currently ongoing.

78. In accordance with articles 212 and 213 of the CPC, the law enforcement authorities are obliged to register immediately any person detained, explain grounds for detention, record all procedural actions taken, notify relatives of the detainee on his or her whereabouts and contact a FLA center.

79. Article 87 of the CPC expressly declares inadmissible in court any evidence obtained through unlawful means such as torture, cruel, inhuman or degrading treatment or the threat thereof or other substantial violations of human rights and freedoms.

80. The Government has introduced an IT-system of custody records, where all of the detainees entering the THF are registered. The system registers the time and circumstances of detention, all procedural actions, medical assistance and FLA provided. Currently, this IT-system is tested in 135 out of 150 THF in Ukraine. Moreover, all of the premises of THF are equipped with video surveillance.

81. In order to bring the crime of torture in Art. 127 of the CC in line with the internationally accepted definition a draft law was recently prepared by the MoJ. Torture committed by public or law-enforcement officials is particularly punishable. The draft will be presented for public consultations with the relevant stakeholders.

82. In 2016, Ukraine changed the rules for the application of physical restrictions or the isolation of people with mental health disabilities. More precisely, the duration of the physical restriction should not exceed 4 hours, while isolations should not exceed 8 hours. Every 2 hours a doctor shall evaluate changes in the physical and psychological state of the patient. Restriction measures can only be prolonged by the decision of a Psychiatric Commission.

3. Detention conditions (97.98, 97.99)

83. In 2015, there were 380 THF in Ukraine. Since then facilities that lack minimal detention conditions have been closed, particularly those located in a basement. Facilities that were lacking individual sleeping places, access to daylight or water supply have been closed. Currently there are 150 THF remaining.

84. All THF are equipped with a centralized water supply and central heating. The cells have access to daylight, fresh air, are equipped with individual sleeping places and have bathrooms with running water. Detainees are provided with bedding, three hot meals per day, a shower and walk outdoors.

85. Ukraine has demilitarized the penitentiary service. As the total prison population has decreased significantly (from 122,973 in 2013 to 76,217 in 2016), the MoJ plans to keep 15 penitentiary institutions and improve the conditions in the remaining 133 facilities. New pre-trial detention centers in Kyiv, Khmelnitsky and Odesa are planned to be built on the basis of public-private partnerships.

86. Legislative changes have ensured better conditions for detention facilities. Labor in the detention facilities has ceased to be mandatory. Other improvements include the extension of rights to visits and phone calls, the waiver of payments for court fees and the possibility to purchase food and clothes without any restrictions. Moreover, prisoners are provided with Internet access.

4. Cooperation with international monitoring mechanisms

87. From 19 to 26 May 2016 and from 5 to 9 September 2016 the SPT undertook official visits to Ukraine. On 3 February 2017, Ukraine received the SPT Report and subsequently decided to permit its publication. Ukraine also submitted to the SPT its response on measures undertaken to implement the SPT's recommendations.

88. Since 2012, the CPT has undertaken one periodic and four ad hoc visits to Ukraine. In 2014, the Government permitted the automatic publication of all CPT reports and responses by the Government. However, the Government had the right to postpone publication of the report for up to 6 months. All the CPT reports are carefully considered and the relevant recommendations and observations have been implemented.

89. Both monitoring mechanisms have been given unimpeded access to the places of detention within the Security Service of Ukraine (SSU) during the follow-up visit of SPT in September 2016. Additionally, CPT conducted an ad hoc visit in November 2016. No «secret» and «illegal» places of detention have been identified. Training on the mandate of SPT, CPT and the provisions of the relevant Conventions was held for all law-enforcement authorities prior to the follow-up SPT visit.

90. The Government has developed constructive cooperation with the Special Rapporteur of the HRC on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Substantive responses were given to all requests of the Special Rapporteur and the relevant recommendations were taken into account. The Government supported the initiative of the Special Rapporteur to undertake an official visit to Ukraine during 2017.

C. Non-discrimination, protection of vulnerable groups

1. Non-discrimination policies (97.18; 97.19; 97.20; 97.25; 97.26; 97.27; 97.28; 97.30; 97.38; 97.44; 97.55; 97.56; 97.57; 97.58; 97.59; 97.60; 97.63; 97.64; 97.65; 97.66; 97.69; 97.70; 97.71; 97.72; 97.73; 97.74; 97.105; 97.107)

91. The Law of Ukraine on Principles of Prevention and Combating Discrimination in Ukraine was adopted in 2012 and provides a general framework for anti-discrimination policies. It was amended in May 2014 to include specific forms of discrimination (direct discrimination, indirect discrimination, aiding and abetting discrimination). The amendment also gave more powers to the Ombudsman and prohibited discrimination by private persons and companies. The Law also introduced a mandatory anti-discrimination review of draft legal acts.

92. Draft law No. 3501, now awaiting the second reading in Parliament, further defines the following terms: «discrimination by association», «multiple discrimination» and «victimization». It also clarifies the competence of the Ombudsman concerning preventing and combating discrimination.

93. The Labour Code of Ukraine was amended in 2015 to specifically prohibit discrimination based on sexual orientation and gender identity in employment and occupation.

94. In 2016, the Ministry of Health abolished its Order No. 60, which foresaw an extensive psychiatric observation of transgender people before undergoing gender reassignment surgery. Instead, the new Order No. 1041 foresees a procedure, in which the extent of the surgical operation is defined by the transgender person.

95. Art. 161 of the CC establishes criminal responsibility for violations of equality of citizens on the grounds of their race, national identity, political, religious and other beliefs, sex, ethnic or social origin, property status, residence, language or other grounds.

96. As of mid-2017, under art. 161 of the CC, 34 criminal investigations were initiated, which is a significant increase from the previous years (41 in 2016 and 40 in 2015). In accordance with the results of pre-trial investigations, three criminal proceedings were referred to court in 2015 and four in 2016. Four criminal cases were considered by the courts in 2015 and two criminal cases in 2016, respectively.

97. In 2015, the National Contact Point for Hate Crimes was established within the National Police. According to information provided by that office, as of mid-2017, 76 pre-trial investigations were initiated, compared to 144 in 2016 and 157 in 2015. Based on the results of pre-trial investigations, three criminal cases have so far been submitted to the courts in 2017. In 2016, the number was sixteen and twelve in 2015. The Government continues to promote information campaigns in order to raise awareness of citizens and encourage hate crime reporting.

98. In 2016, the official crime report form was amended to include a section on whether the crime was committed on the grounds of intolerance.

99. Draft law No. 1729 was withdrawn from Parliament on 12 December 2012 (recommendation 97.19).

2. Gender equality (97.31; 97.47; 97.48; 97.52; 97.53; 97.54; 97.76; 97.77; 97.78)

100. The Government approved the National Action Plan to implement UN Security Council Resolution 1325 on «Women, peace, security» until 2020. The recent appointment of the Commissioner for Gender Equality will ensure coordination within the Government on gender-related policies.

101. The Law on Ensuring Equal Rights and Opportunities of Women and Men aims to achieve equality between women and men in all spheres of society through legally enshrining and protecting rights and opportunities, applying special temporary measures and working to eliminate imbalances between the opportunities for women and men. All legislation of Ukraine is analysed by legal and gender experts to be in line with these provisions and to fulfil these guarantees. Administrative and criminal responsibility has been introduced for violations of the legal provisions in this regard.

102. Women currently hold only about 12 percent of the seats in Parliament (52 out of 422 MPs). In 2013, the Law on Political Parties introduced public financing of political parties and gave additional financing for parties reaching a 1/3 gender quota in the party list. In 2015, the Law on Local Elections foresaw a 30 percent gender quota in party lists for local elections. However, no sanctions were applied for the violation of this quota. Several draft laws submitted to Parliament foresee a mandatory 30 percent gender quota for both local and national elections.

103. Ukrainian women represent 31.5 percent of company owners, 18.8 percent of company top managers and are 12.9 percent of single owners of companies.

104. In 2016, average wages earned by women were 25.4 percent less than those earned by men. The Strategy for Poverty Reduction 2016-2020 intends to solve this problem by strengthening public control over discriminatory practices and the gradual introduction of gender quotas for State-owned enterprises.

105. In June 2017, the Ministry of Health announced its intention to abolish Regulation No. 256, which lists 450 professions prohibited for women. This draft decision is currently published on the website of the Ministry of Health for public consultations.

106. In June 2016, the Ministry of Defense amended its Order No. 337 by significantly increasing the list of combat positions open to women (290 positions added). While previously women mostly served as nurses, accountants or cooks, they now can join military intelligence, serve as military vehicles commanders, mortar commanders or snipers.

107. In 2017, gender-responsive budgeting was integrated for the first time into the Strategy of Public Finances Management for 2017-2021, which forms a basis of the budget process in Ukraine.

108. The national system of indicators of gender statistics already includes 115 absolute and estimated indicators, which corresponds to European and international statistical standards. Ukraine uses the list of 73 indicators of the UNECE gender statistics database.

3. Prevention of gender-based violence (97.76; 97.77; 97.78)

109. The Government is addressing the problem of domestic violence by focusing on raising awareness, building trust with the police, information campaigns, providing assistance to victims and prosecuting offenders.

110. Draft Law on Preventing and Fighting Domestic Violence (Registration No. 5291 dated 20 October 2016) was adopted in the first reading. It provides for a mechanism of prevention and provision of effective assistance for those who have suffered from this type of violence. The adoption of this law will ensure a comprehensive approach to prevent any form of violence against women and will counteract gender discrimination.

111. Since October 2016, 26 mobile teams in five regions have provided social and psychological assistance to victims of domestic violence. They consist of three members (one social worker and two psychologists) providing social and psychological services to individuals who found themselves in difficult circumstances due to gender-based violence. In the first half of 2017, these mobile teams provided social and psychological assistance to 19,329 persons, 90 percent of whom were women.

112. In June 2017, the National Police launched a pilot project ("POLINA") to deploy mobile response groups against domestic violence in three cities – Kyiv, Odesa and Sevrodonetsk. In the first month, 341 departures were performed, 376 applications were received, four criminal proceedings were initiated and 115 administrative protocols were drawn.

113. As of mid-2017, 439 domestic violence offences have been investigated. Currently, 19 Social and Psychological Support Centers provide temporary shelter and complex assistance to persons who have been subjected to domestic violence. In 2017, 397 persons have been sent to specialized centers for rehabilitation and 2,199 persons who experienced repeated domestic violence were sent to crisis recovery centers for rehabilitation.

114. HRMMU in its Report on Conflict-Related Sexual Violence in Ukraine reported on sexual violence perpetrated against civilians in residential areas cordoned off by armed groups[17]. For the first time Ukraine got a UN-certified expert in processes of transitional justice and investigation of conflict-related sexual and gender-based violence[18].

115. Ukraine continues to work on the ratification of the Istanbul Convention. A working group has been established in Parliament for this purpose.

4. Combating Trafficking in Human Beings (97.49, 97.80, 97.82, 97.83, 97.84; 97.85)

116. Approved in 2016 the State Social Program for Combating Trafficking in Human Beings for the period until 2020 envisages a comprehensive set of measures for preventing trafficking in human beings, protecting the rights of victims and providing assistance to those affected.

117. The material assistance for a person who has suffered from trafficking has been increased to a one-time payment of three times the estimated cost of monthly subsistence.

118. The Parliament is considering a draft law on strengthening the fight against trafficking in human beings and the protection of victims (registered number 6125 as of 23 April 2017). It aims at improving the procedure for determining the status of a person who has suffered from human trafficking and expanding the network of institutions providing assistance.

119. A large-scale information campaign is held annually for prevention and raising public awareness concerning the risks of trafficking in human beings. One result of these campaigns has been an increase of appeals for establishing the status of a person who has suffered from trafficking.

120. Trainings on combating trafficking of human beings for the law enforcement officials are continuously carried out to improve their knowledge and ability to take measures on combating trafficking in human beings.

121. From 2012 to 2017, 867 Ukrainians were officially recognized as victims of human trafficking. Most probable countries of destination for human trafficking include Russia – 144 cases, Poland – 35 cases, Turkey – 17 cases, Croatia – 6 cases, Italy, Spain and Belarus – 5 cases each.

122. As of mid-2017, 146 criminal offences of human trafficking were revealed which is 140 percent more than in 2016 (60 offences). 69 people were identified for having committed human trafficking offences (compared to 22 in 2016). Nineteen of them were taken into custody (compared to 10 in 2016). Thirty criminal cases were considered by the courts in 2015 and 11 criminal cases in 2016, respectively.

123. In its Report on Conflict-Related Sexual Violence in Ukraine, HRMMU analyses that the deterioration of the economic situation in conflict-affected regions can expose people or force them to resort to harmful survival strategies and coping mechanisms, which may increase their exposure to the risk of sexual violence or trafficking".

5. Stateless and asylum seekers (97.142, 97.143, 97.144, 97.145)

124. Ukraine acceded to the Conventions on the Reduction of Statelessness and Relating to the Status of Stateless Persons. The draft Law on the Procedure of Statelessness Status Determination (Registration No. 5385 dated 10 November 2016) is under consideration in the Parliament.

125. In 2013 the legislation of Ukraine on refugees was amended by prohibiting deportation or forced return of a refugee or a person in need of complementary or temporary protection.

126. The Code of Administrative Procedure foresees judicial review of the administrative decisions on refugee status or complementary protection. Positive trends were observed in 2014-2016 with courts giving a significant number of decisions in favour of asylum seekers. The number of people who have been granted refugee status or complementary

protection in Ukraine as of January 2017 is 3,082. Free legal aid centers have become instrumental in assisting asylum seekers in the application process.

127. An interpreter is provided to inform applicants for refugee status or complementary protection, at all stages of consideration including the court procedure, as well as migrants on forced return or deportation, in a language that the person understands.

128. Over the last five years there were no cases of forced return of persons who had applied for recognition as refugee or of a person in need of complementary or temporary protection.

6. Rights of the child (97.22; 97.29; 97.39; 97.40; 97.41; 97.42; 97.81; 97.86; 97.87; 97.125)

129. The National Action Plan for the Implementation of the UN Convention on the Rights of the Child until 2016 has been completed. The concept of a new National Action Plan until 2021 has been approved. It is based on the aim of creating favorable conditions for the life of the child and its development, the provision of equal opportunities for all children and securing children's rights during military actions or armed conflicts.

130. In order to fully implement CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, a draft law (Registration No. 6588 dated 15.06.17) on amendments to: the CC with aim to establish criminal liability for crimes related to the sexual exploitation of children; the CPC concerning procedural peculiarities of proceedings involving a child witness and victims of sexual crimes; the Law on Protection of Childhood preventing the perpetration of illegal actions against children by persons who are in constant contact with them, was developed.

131. The legislation of Ukraine issues birth certificates to all newborn children, which fully guarantees the right of a person to State registration regardless of legal status of a child's parents, ethnicity or social origin. The functioning of the State registration of child's birth authorities has been simplified.

132. Since 2016, the State registration of births is available not only in the registry offices but also directly in hospitals and in birthing centers and is free of charge. The introduction of such an approach is one of the incentives for the mandatory State registration of birth.

133. Parliament is preparing draft legislation on decentralization in order to bring administrative services closer to people in the field of State registration of civil status acts (Registration No. 4605 dated 6 May 2016). This aims at expanding the extra-territorial principle and maximizing access to State registration of civil status, including birth.

134. In February 2016, the Civil Procedure Code was amended aiming to guarantee State registration of births for children born in the TOT and Donbass. More than 15,000 Ukrainian birth certificates have been issued since the introduction of the simplified court procedure to such children.

135. In February 2016, the legal concept of 'children who suffered the consequences of armed conflict and military actions' was amended. Secondary legislation for a clear procedure of granting this status to children is currently in preparation. In the Armed Forces of Ukraine, with the involvement of human rights NGOs, educational and training measures are taken to ensure the rights of children and young people in conflict.

7. Rights of persons with disabilities (97.16; 97.43; 97.133; 97.134)

136. The National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities until 2020 was approved in 2016.

137. In March 2017, the draft Law on Social Services (amended) was approved at the first reading. It aims to strengthen the legal framework for enhanced support of vulnerable target groups such as persons with disabilities, children, and elderly people and envisages, inter alia, State budget support for social services such as sign language and typhlo-sign language (blindness) translations. The draft Law on Guardianship and Custody over Adult Incapable or Partly Incapable Persons (Registration No. 4606 dated 6 May 2016) is currently under consideration in Parliament.

138. The draft Law on employment of persons with disabilities (Registration No. 4578 dated 4 May 2016) is intended to improve the situation with job placement, worker safety and health conditions for people with disabilities.

139. A capital repair of accomplishment facilities without establishment of a barrier-free living environment for persons with disabilities is prohibited (Instruction of Ministry of Housing and Building No. 151 dated 16 June 2017).

140. In May 2017, the Law on Education was amended with the aim to create proper conditions for access to education for people with special education needs. This amendment applied to any education institution regardless of ownership or subordination.

141. Since 2014, higher education programs have included various subjects connected to people with disabilities. The public contract for TV and radio broadcasting includes a 10 percent requirement for people with special needs.

142. The FLA has been providing people with disabilities with the assistance of sign language interpreters.

143. A number of draft Laws on special arrangements for people with special needs are being discussed in the Parliament. These include provisions for access to courts (No. 6211), buildings (No. 6420), transportation and voting stations (No. 5559), as well as administrative fines for violations of norms on special arrangements for people with disabilities (No. 5546).

8. Ensuring the rights of national minorities (97.61, 97.62, 97.67, 97.136, 97.140, 97.141)

144. In 2017, the Expert Council on Ethnic Policy was established as a permanent advisory body that monitors, analyzes and assesses various aspects of ethnic policy. It examines issues related to the implementation of State policy in the area of interethnic relations and the protection of the rights of national minorities. The Council is currently working on several draft laws related to national minorities and on a new Concept of Ethnic and National Policy in Ukraine.

145. On 17 April 2014, the Law on the Restoration of the Rights of Persons Deported on Grounds of Nationality was adopted. A portion of the annual State budget is allocated for the needs of the Crimean Tatars.

146. The draft Law on the Status of the Crimean Tatar People (No. 6315 dated 7 April 2017) is aimed to create legal conditions for the implementation of the inalienable right to self-determination by the Crimean Tatar people and to guarantee the preservation and development of its ethnic, cultural, linguistic and religious identity as indigenous people of Ukraine.

147. Roma people continue to face discrimination and are less integrated in Ukrainian society than other ethnic minorities. The Government is conducting awareness-raising and educational activities, and has been taking a number of specific measures to ensure better integration of Roma people.

148. The 2013 Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 and the Action Plan for its implementation aim at

increasing educational opportunities for Roma, poverty reduction, and the improvement of housing and living conditions especially in places of compact residence as well as cultural development.

D. Civil and political rights (97.50, 97.118–97.123)

1. Management of public affairs (97.50)

149. The Government Act on Ensuring public participation in the formation and implementation of the State policy was passed on 3 November 2010. It focuses on the participation of citizens in the management of public affairs and in the decision-making process. The forms of participation include the public discussion of regulatory and legal acts, public consultations, electronic consultations and public opinion research.

150. In 2016, the Government approved the National Strategy for Promoting Civil Society Development in Ukraine for the period of 2016–2020. It aims at creating conditions for effective collaboration between public authorities and all types of civil society organizations, public initiatives and self-organizations on the basis of partnership, political impartiality and non-discrimination.

2. Freedom of mass media (97.118)

151. In 2014, the Law on Public Television and Radio Broadcasting of Ukraine was adopted. It aims at promoting the formation of a civil society by involving citizens in discussions on public policy and solving the most important social and political issues in an inclusive manner. The Public Television and Radio Broadcaster of Ukraine was established on the basis of State ownership.

152. In 2015, legislation was adopted to allow the opening of databases on the beneficiary owners of different mass media companies in order to provide the public with information about ownership and, accordingly, the control and influence on mass media from their respective owners.

153. In 2015, the Law on the Reform of State-owned and Municipal Printed Media was adopted with the aim to restrict the influence of public and local government authorities on State-controlled and municipal press and to ensure the editorial independence of print media staff.

154. Ukraine has introduced a procedure for banning of international TV channels, movies and printed materials that endanger the independence, sovereignty or territorial integrity of Ukraine. It also bans the spread of war propaganda and the justification of the occupation of parts of Ukraine. This procedure is justified under Art. 20 of the ICCPR and follows the requirements established in Art. 19.3 of the ICCPR.

155. In its report "Crimea. Freedom of the Press 2016", Freedom House emphasized that hundreds of media outlets were unable to obtain registration with Russian authorities as of April 2015. The Russian federal media regulator (Roskomnadzor) reported that only 232 media outlets had successfully registered, which is down from about 3,000 when Crimea was under the Ukrainian constitutional authority. The Crimean Tatar television station ATR ceased broadcasting from Crimea at the end of March 2015. Moreover, Roskomnadzor has been blocking online news outlets based in mainland Ukraine.

3. Protection of journalists (97.119–97.122)

156. On 14 May 2015, the Law on Strengthening the Guarantees of Legitimate Professional Activity of Journalists established criminal responsibility for obstructing professional activities of journalists. This included threatening or using violence against a

journalist, intentional destruction or damage of a journalist's property, assault on the life of journalists and taking a journalist as hostage.

157. In 2016, amendments to the CC increased the punishment for violations of the secrecy of correspondence, telephone conversations, telegraph or other correspondence transmitted by means of communication or via computer, and for the obstruction of the legitimate professional activities of journalists. In 2016, 141 offences were recorded and 96 as of mid-2017.

158. Since 2016, the Council for the Protection of Professional Activities of Journalists and Freedom of Expression carries out the monitoring of the protection of professional activities of journalists and the freedom of expression in Ukraine.

159. The freedom of the media is significantly suppressed in Crimea under the Russian occupation. A number of media left the peninsula due to unbearable working conditions. One of the most alarming issues has been placing journalists on the list of "terrorists and extremists". On 19 April 2016, FSB (Russian Federal Security Service) agents in Crimea raided and searched the house of journalist Mykola Semena (a freelancer with Krym.Realii), and briefly detained him for interrogation in connection to a criminal probe on charges of making calls for separatism. Semena was detained on 19 April 2016 and later released on bail with travel restrictions[15].

4. Right to peaceful assembly (97.123)

160. The Constitution of Ukraine guarantees the freedom of peaceful assembly. The National Police maintains public order during all public events, including demonstrations, meetings and protests.

161. In 2016, the Constitutional Court of Ukraine ruled unconstitutional legislative provisions, which required prior approval to be received for a peaceful assembly. The Court effectively confirmed that authorities will only have to be notified of a planned public assembly.

162. Two alternative draft laws regulating the right of peaceful assembly have been registered at Parliament (No. 3587 of 7 December 2015 and No. 3587-1 of 11 December 2015). On 8 October 2016, the Venice Commission, together with OSCE experts, issued a positive assessment (Opinion No. 854/2016 of 18 October 2016) of the draft laws as a whole and noted that most of the provisions were in line with international standards.

E. Social rights (97.46, 97.126–97.132, 97.137–97.139)

1. Education (97.126, 97.127, 97.137, 97.138, 97.139)

163. In the State Budget of Ukraine for 2017, the financing on education was about 6.2% of GDP (in 2016 – 5.4% of GDP; in 2015 – 5.8% of GDP; in 2014 – 6.4% of GDP).

164. In 2016–2017 academic year, 16,900 general education institutions of all types and forms of ownership were operational in Ukraine, serving about 3.9 million students and employing 439,000 teachers, including 11,200 in rural areas. In secondary schools there are almost 1.2 million students and 202,000 teachers are employed.

165. The reform of the general primary and secondary education system, begun in 2016, aims at improving the access to quality education for people living in rural areas. Demographic decline has led to a widespread phenomenon of rural schools with extremely low numbers of students. This made quality education almost impossible.

166. The reform foresees that primary schools should normally be in the village where children live. Middle and high school resources will be pulled together around hub schools.

normally the biggest school in a district. Students from the neighbouring villages or towns will be brought to classes by school buses. Local schools will either be closed or operate as affiliates of a hub school. This pooling of material and academic resources to hub school will improve the quality of education for students especially from small or remote villages. As of June 2017, 178 hub schools and 511 affiliate schools have already been established.

167. A network of educational institutions serves to ensure the right to education in the languages of national minorities. Pre-school educational institutions provide education in six languages (Ukrainian, Moldovan, Polish, Russian, Romanian, and Hungarian). Secondary schools are available in eight languages (Ukrainian, Bulgarian, Moldovan, Polish, Russian, Romanian, Slovakian, and Hungarian). The publication of textbooks for these institutions is funded by the State Budget annually. This year's examinations for the entry to Higher Education Institutions were available in Russian, Hungarian, Moldovan, Crimean Tatar, Polish, and Romanian.

2. Health care (97.46, 97.128–97.130)

168. In 2017, State Budget allocations for the public health care system increased by 27 percent and amounted to 2.8 percent of GDP.

169. In 2016, the Concept of Health Care Financing Reform was approved, which provides for State guarantees regarding the amount of free medical aid and the development of the public health system. The concept implementation would help to create a unified system of preventive medicine. Primary, secondary and tertiary medical care would be clearly defined and distributed evenly in newly created hospital districts.

170. In order to make medication affordable to all population, especially the poor, several initiatives were introduced: a) a reference pricing system for drugs was adopted, which was based on the median price of the five neighbouring countries; b) a State reimbursement program covering 157 drug items including for cardio-vascular diseases, type-2 diabetes and asthma, has been made available to patients for free or little cost; c) transparent public procurement of the most valuable drugs has been provided through UNDP, UNICEF and other reputable international organizations, eliminating corruption from this process and preparing the ground for the establishment of the National Procurement Agency.

171. Low levels of immunization in Ukraine have led to new cases of polio, tetanus and measles registered during 2015–2017. The cause is a low level of knowledge about vaccination and a low risk perception associated with vaccine-preventable diseases. It is further exacerbated by the low public confidence in the safety and quality of vaccines. The Government responded with a social mobilization campaign, communication through mass media, training and capacity building to raise awareness and improve the situation.

172. In 2017, the Strategy for Ensuring a Sustainable Response to the Tuberculosis and HIV/AIDS Epidemic until 2020 and an Action Plan for its implementation were approved.

173. In 2015, the procurement procedures of medical products and remedies were amended. Such procurements within the State programmes are carried out with the assistance of specialized international organizations in medical sphere. The procurement of the vaccines at the expense of the State Budget has been initiated. Preparation is currently continuing of the National Strategy on planning of the national immunization program for the period 2017–2022.

3. Rights to safe and healthy environment (97.131, 97.132)

174. In order to implement the Paris Agreement, the Concept of State Climate Change Policy Implementation until 2030 was approved. This is the first State strategic document aimed at creating a systemic approach to addressing climate change.

175. The draft Action Plan for implementing of the Concept of State Climate Change has been prepared which provides for the measures to implement the Paris Agreement.

176. Ukraine has undertaken international legal obligations to ensure public participation while making environmentally relevant decisions. Accordingly, an environmental impact assessment procedure has been introduced. The procedure takes into account the requirements of the Aarhus Convention and the Espoo Convention. In 2017, the Law on Environmental Impact Assessment was adopted, which aims at preventing damage to the environment, and ensuring environmental safety, environmental protection, and the rational use and reproduction of natural resources.

177. In 2017, the Concept of Reforming the System of State Supervision in the Field of Environmental Protection was adopted. It envisages the implementation of a new system for monitoring the state of the environment.

V. Key national priorities

178. To continue close cooperation with the HRC and other international human rights mechanisms for the realization of human rights and freedoms for creating effective mechanisms for their protection and resolving systemic problems in this area.

179. To implement the NSHR and other strategic policy instruments on human rights.

180. To strengthen the capabilities of the NPM and introduce a «zero tolerance» policy in all cases of torture and ill-treatment.

181. To continue defending Ukraine's national interests and protecting human rights through the ICJ and the ECtHR.

182. To take all possible steps aiming to adhere and ensure the human and citizen rights and freedoms guaranteed by the Constitution and the laws of Ukraine, and international treaties, with particular emphasis on the rights and freedoms of citizens living in Crimea and in the areas affected by armed aggression of Russia, as well as protecting the rights of IDPs.

183. Ukraine expresses its commitment to the implementation of UN GA Resolution 71/205 and urges the international community to give its support to the comprehensive implementation of this document, continue political pressure on Russia with the view to provide access to Crimea by authorities and monitoring mechanisms of the UN, CoE, OSCE and other international organizations as well as to remain focused on the humanitarian situation and the observance of human rights in the TOT and Donbas, where the aggression of Russia against Ukraine continues.

184. To continue investigating human rights violations in Crimea and Donbas.

185. To continue taking measures for the implementation of ECtHR decisions.

Notes

[1] Russian aggression in Donbas and its subsequent occupation was confirmed by the Proclamation of the Parliament of Ukraine on Recognition of the Russian Federation as an Aggressor State (27 January 2015 No. 129-VIII) and Proclamation on Repelling the armed aggression of the Russian Federation and overcoming its consequences" (21 April 2015 No. 337-VIII).

[2] https://www.om.nl/onderwerpen/mh17-vliegramp/presentaties/presentation-joint/

[3] https://www.youtube.com/watch?v=3PyEspLz8UQ

[4] The biggest number of IDPs are in Donetsk region – 528,000, in Luhansk region there are 289,700, in

Kharkiv region – 196,700, in Dnipropetrovsk region – 75,000, and in Kyiv – 167,000. Among the IDPs 806,600 are pensioners, 57,600 are persons with disabilities and 241,500 are children.

[5] More than 3 billion UAH were provided in the State budget for 2017 for this programme. As of the middle of 2017, 1, 245,265 families have applied for this aid. Assistance has been assigned to 1,153,609 families. The average funding for one family is around 1,768 UAH.

[6] Employment centres provide an employment aid to IDPs. As of the middle of 2017, 29 thousand IDPs are employed. 6,5 thousand IDPs had undertaken the professional trainings by an assignment of employment centres.

[7] http://iom.org.ua/sites/default/files/nms_report_march_2017_ukr_new.pdf

[8] http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)027-e

[9] http://www.echr.coe.int/Documents/Stats_pending_2017_BIL.pdf

[10] http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)025-e

[11] https://docs.google.com/spreadsheets/d/1DHjYYUlKvgreW37cM3JYyL1Omy8Gr6JOZAQvV1cFxdh4/edit#gid=1036692300

https://docs.google.com/spreadsheets/d/1WTmlzzpwvsh8Qu670lo8_7AYdm_o46hNRAsVeOfRxTs/edit#gid=904525845

[12] https://www.humanitarianresponse.info/system/files/documents/files/ua_-_16_february_2017_-_ukraine_-_ohchr_report_on_crsv.pdf

[13] This expert is a military lawyer in the General Staff of the Armed Forces of Ukraine.

[14] http://www.ohchr.org/Documents/Countries/UA/ReportCRSV_EN.pdf

[15] https://www.coe.int/en/web/media-freedom/all-alerts/-/asset_publisher/aj/alert/16318086